

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA : CASE NO.  
v. : **1:10CR 101**  
KIMBERLY PREBLES : INFORMATION  
: 18 U.S.C. § 1343  
: 26 U.S.C. § 7206(1)  
: Notice of forfeiture  
: HONORABLE WEBER

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this Information:

1. From approximately February 1999 through March 2009, defendant **KIMBERLY PREBLES** worked for ClarkWestern Building Systems, Inc., ("ClarkWestern"), Middletown, Ohio. Defendant **PREBLES** was an accounting manager in the accounts payable department.
2. Because one of defendant **KIMBERLY PREBLES'** responsibilities was to make timely payments on invoices from ClarkWestern's vendors, defendant **PREBLES** was familiar with her employer's vendors, their payment history, and accounts from which and to which they were paid.
3. PTG Logistics, LLC had a vendor relationship with ClarkWestern.

4. U.S. Bank wire transfers are initially sent to U.S. Bank's Minneapolis, Minnesota location.

#### **THE SCHEME**

5. From at least in or about February 1999 to in or about March 2009, in the Southern District of Ohio, defendant **KIMBERLY PREBLES** devised and intended to devise a scheme to defraud her employer Clark Western and to obtain money, that is, approximately \$4,315,755.00, by means of false and fraudulent pretenses, representations, and promises by transmitting and causing to be transmitted by means of wire communications in interstate commerce, any writing, signs, signals, and sounds, that is, wire fund transfers, for the purpose of executing the scheme to defraud.

#### **MANNER AND MEANS**

It was part of the scheme that:

6. In approximately June 1999, defendant **KIMBERLY PREBLES** opened a business checking account at Fifth Third Bank in the name of PTG, account number xxxx1533 ("unauthorized PTG account") using her home mailing address. Defendant **PREBLES** provided false information to Fifth Third Bank when she opened the account by stating that PTG was a sole proprietorship and that she was the President. PTG Logistics had no knowledge of the account and did not authorize the account to be opened.

7. After opening the unauthorized PTG account, defendant **KIMBERLY PREBLES** altered and falsified Clark Western company records in order to illegally divert and embezzle funds by writing checks and causing automated clearing house and wire transfers to be made from a Clark Western business bank account at U.S. Bank, Cincinnati, Ohio into the

unauthorized PTG account which she exclusively controlled. Defendant **PREBLES** also deposited ClarkWestern checks into the unauthorized PTG account.

8. In furtherance of the scheme, defendant **KIMBERLY PREBLES** made false representations to ClarkWestern by fraudulently representing that certain PTG Logistics invoices had not been paid, causing ClarkWestern to wire money into the unauthorized PTG account. Defendant **PREBLES** would directly withdraw funds to pay for the purchases of real property from the unauthorized PTG account that she controlled. Defendant **PREBLES** also transferred proceeds of the unlawful activity from the unauthorized PTG account into her personal checking account held jointly with her husband D.P., an individual known to the United States Attorney, at Fifth Third Bank, account number xxxx2617. Defendant **PREBLES** would take those illegal proceeds and pay for personal expenditures such as jewelry, clothing, travel, vehicles, and home improvements.

9. Defendant **KIMBERLY PREBLES** embezzled approximately \$4,315,755.00 from ClarkWestern by diverting ClarkWestern's funds into the unauthorized PTG account.

10. As part of the execution of the scheme to defraud, on or about August 16, 2007, defendant **KIMBERLY PREBLES** did knowingly transmit and caused to be transmitted, in interstate commerce, by means of wire communications, certain signs and signals, that is, a bank wire transfer of approximately \$54,785.42 from ClarkWestern's U.S. Bank account to the unauthorized PTG account.

11. As part of the execution of the scheme to defraud, on or about October 5, 2007, defendant **KIMBERLY PREBLES** did knowingly transmit and caused to be transmitted,

in interstate commerce, by means of wire communications, certain signs and signals, that is, a bank wire transfer of approximately \$40,059.98 from ClarkWestern's U.S. Bank account to the unauthorized PTG account.

All in violation of Title 18, United States Code, Sections 1343 and 2.

**COUNT TWO**

12. The United States Attorney realleges and incorporates by reference paragraphs 1 - 11 of the Information as though set forth in full herein.

13. For tax years 2005 through 2008, defendant **KIMBERLY PREBLES** filed income tax returns that did not reflect the embezzled funds that were income to her resulting in a tax loss of approximately \$829,207.77 to the Internal Revenue Service.

14. On or about the April 12, 2009, in the Southern District of Ohio, defendant **KIMBERLY PREBLES**, a resident of Hamilton, Ohio, did willfully make and subscribe a U.S. Joint Income Tax Return, for the calendar year 2008, which was verified by a written declaration that it was made under the penalties of perjury and which she did not believe to be true and correct as to every material matter. That income tax return, which was filed with the Internal Revenue Service, reported total income on line to 22 of Form 1040 of \$116,132.00, whereas, defendant **PREBLES** then and there well knew and believed, she received approximately \$971,215.11 in total income.

In violation of Title 26, United States Code, Section 7206(1).

**NOTICE OF FORFEITURE**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

1. As a result of the violation of Title 18, United States Code, Section 1343, set forth in Count One of this Information, defendant **KIMBERLY PREBLES** shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to specified unlawful activity, that is, wire fraud, as charged in this indictment, including but not limited to, a sum of money equal to \$4,315,755.00 in United States currency, representing the amount of proceeds obtained as a result of the offense of wire fraud of which the defendant has been charged.

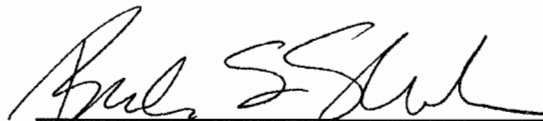
2. If any of the property subject to forfeiture, as a result of any action or omission of the defendant:

- (a) cannot be located upon exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p) as incorporated in Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28,  
United States Code, Section 2461(c).

**CARTER M. STEWART**  
**UNITED STATES ATTORNEY**

A handwritten signature in black ink, appearing to read "Brenda Shoemaker", written over a horizontal line.

**BRENDA SHOEMAKER**  
**FINANCIAL CRIMES CHIEF**